

Plat 010292
Filed & Recorded
6/16/2001
COUNTY CLERK
BEXAR COUNTY, TEXAS
RECORDS ROOM
RECORDS ROOM
COURTHOUSE SEC. 5

RIVER CITY SUBDIVISION
VOLUME 9000, PAGE 134 DAP
LOT 33
N.C.B. 14952

NOTE: EXISTING ELECTRIC EASEMENT IN LOT 5 OF N.C.B. 17621 TO BE ELIMINATED SUBSEQUENT TO RELOCATION OF ELECTRIC FACILITIES VIA A RELEASE OF EASEMENT DOCUMENT WHICH WILL BE FILED FOR RECORD.

CURVE DATA
CENTRAL ANGLE = 29°52'02"
RADIUS = 743.00'
CURVE LENGTH = 387.31'
CHORD BEARING = N 26°07'04" W
CHORD DISTANCE = 382.94'

TRACT 18
VOLUME 5571, PAGES 370-374 O.P.R.
CURVE DATA
CENTRAL ANGLE = 28°45'55"
RADIUS = 1057.00'
CURVE LENGTH = 329.85'
CHORD BEARING = N 26°07'04" W
CHORD DISTANCE = 326.39'

CURVE DATA
CENTRAL ANGLE = 32°43'02"
RADIUS = 25.00'
CURVE LENGTH = 40.46'
CHORD BEARING = N 86°18'29" W
CHORD DISTANCE = 36.18'

STATE OF TEXAS
COUNTY OF BEXAR
THE OWNER OF THE LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER-COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS
COUNTY OF BEXAR
I, the undersigned authority on this day personally appeared David E. Shelton, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

STATE OF TEXAS
COUNTY OF BEXAR
THE AREA BEING REPLATED WAS PREVIOUSLY PLATTED ON A PLAT OF O'CONNOR ROAD JOINT VENTURE SUBDIVISION, LOT 2, N.C.B. 17621, WHICH IS RECORDED IN VOLUME 9510, PAGE 98, BEXAR COUNTY PLAT AND DEED RECORDS.

I (WE), THE OWNER(S) OF THE PROPERTY SHOWN ON THIS REPLAT HEREBY CERTIFY THAT THIS REPLAT DOES NOT AFFECT OR REMOVE ANY COVENANTS OR RESTRICTIONS. I (WE) FURTHER CERTIFY THAT NO PORTION OF THIS REPLAT WAS LIMITED DURING THE PRECEDING FIVE YEARS BY AN INTERIM OR PERMANENT ZONING CLASSIFICATION TO RESIDENTIAL USE FOR NOT MORE THAN TWO RESIDENTIAL UNITS PER LOT, OR THAT ANY LOT IN THE PRECEDING PLAT WAS LIMITED BY DEED RESTRICTIONS TO RESIDENTIAL USE FOR NOT MORE THAN TWO RESIDENTIAL UNITS PER LOT.

David E. Shelton
SENIOR VICE PRESIDENT (LOT 5) J.B.
LOWE'S HOME CENTERS, INC.
OWNER'S DULY AUTHORIZED AGENT

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF July, A.D. 2001
NOTARY PUBLIC
COUNTY OF BEXAR
AMANDA T. HANDY
MY COMMISSION EXPIRES 4/17/2005

C.P.S. NOTE:
1. The City of San Antonio as part of its electric and gas system (City Public Service Board) is hereby dedicated the easements and rights-of-way for electric and gas distribution and service facilities in the areas designated on this plat as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Overhead Easement," "Utility Easement," and "Transformer Easement" for the purpose of installing, constructing, reconstructing, maintaining, removing, inspecting, patrolling, and erecting poles, hanging or burying wires, cables, conduits, pipelines or transformers, each with its necessary appurtenances together with the right of ingress and egress over grantor's adjacent land, the right to relocate said facilities within said easement and right-of-way areas, and the right to remove from said lands all trees or parts thereof, or other obstructions which endanger or may interfere with the efficiency of said lines or appurtenances thereto. It is agreed and understood that no buildings, concrete slabs, or walls will be placed within said easement area.
2. Any CPS monetary loss resulting from modifications required of CPS equipment, located within said easement, due to grade changes or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alteration.
3. This plat does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities unless the changes to such easements are described below.

NOTES:
1. 1/2" IRON RODS WITH YELLOW CAP MARKED "PAPE-DAVISON" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
2. THE BASIS OF MONUMENTATION FOR THIS PLAT ARE THOSE SHOWN FOUND.
3. THE BEARINGS FOR THIS SURVEY ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID BEARINGS FOR THE SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. BEARINGS SHOWN MUST BE ROTATED 0°0'0" CLOCKWISE TO MATCH N.A.D.83.
5. DIMENSIONS SHOWN ARE SURFACE AND THE COMBINED SCALE FACTOR USED IS 0.99993003.
6. N.A.D.83 GRID COORDINATES DERIVED FROM 1983 AD (NAD83) N: 13231522.517 E: 2140520.8364 GDA 1983 (PID #AY1981) N: 13731293.2012 E: 2140520.8364 GDA 1983 (PID #AY0072) N: 13736684.2745 E: 2129377.7379.

THIS PLAT OF
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 8 DAY OF August, A.D. 2001
BY: David E. Shelton CHAIRMAN
BY: David E. Shelton SECRETARY

REPLAT & SUBDIVISION PLAT ESTABLISHING LOWE'S NORTHEAST

AN 1840 ACRE, TRACT OF LAND COMPRISED OF A PORTION OF LOT 2, O'CONNOR ROAD JOINT VENTURE SUBDIVISION, RECORDED IN VOLUME 9510, PAGES 97-98 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, A 0.483 ACRE TRACT AND A 0.393 ACRE TRACT BOTH RECORDED IN VOLUME 7193, PAGES 804-813 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, AND A 0.683 ACRE TRACT RECORDED IN VOLUME 6771, PAGES 1580-1586 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, AND BEING ALSO OUT OF THE J.P.A. SCOTT SURVEY NUMBER 323, ABSTRACT NUMBER 678, NEW CITY BLOCK 17621, SAN ANTONIO, BEXAR COUNTY, TEXAS.

LOWE'S NORTHEAST
HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 8 DAY OF August, A.D. 2001
BY: David E. Shelton CHAIRMAN
BY: David E. Shelton SECRETARY

LEGEND
GAS, ELEC., TELE., & CA. TV ESM'T. = GAS, ELECTRIC, TELEPHONE, & CABLE TV EASEMENT
F.I.R. = FOUND 1/2" IRON ROD
D. & P. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
D.R. = DEED RECORDS OF BEXAR COUNTY, TEXAS
O.P.R. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
R.O.W. = RIGHT-OF-WAY
B.S.L. = BUILDING SETBACK LINE

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

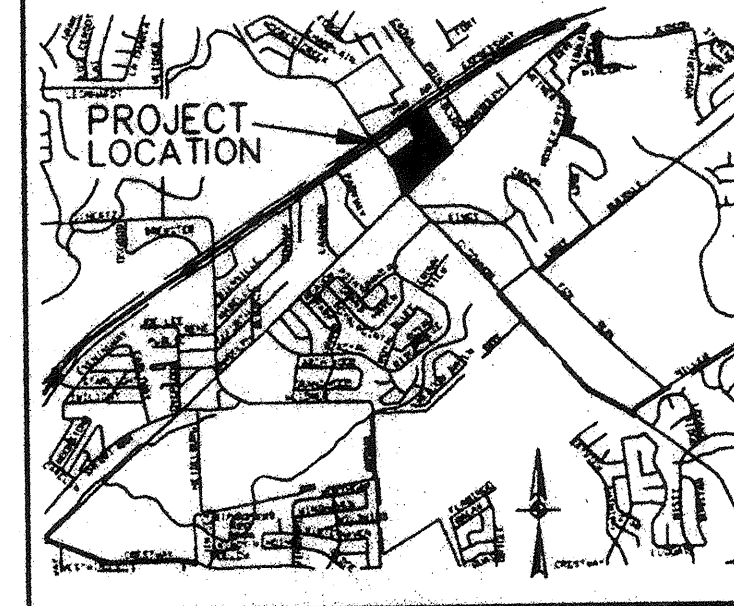
NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

NOTE: 1" NON-ACCESS EASEMENT BEGINS AT THE NORTHEAST CORNER OF THE PROPERTY AND EXTENDS 200 FEET DOWN THE 1/2" IRON ROD ROW TOWARD O'CONNOR RD.

PLAT NO. 010292



LOCATION MAP
N.T.S.

WASTEWATER EDU NOTE
THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDUS) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE PLANNING DEPARTMENT.

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, AND TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, EXCEPT FOR THOSE VARIANCES THAT MAY HAVE BEEN GRANTED BY THE PLANNING COMMISSION OF THE CITY.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF July, A.D. 2001

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER-COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

David E. Shelton
OWNER: DAVID E. SHELTON (LOT 5) J.B.
SENIOR VICE PRESIDENT
LOWE'S HOME CENTERS, INC.
DULY AUTHORIZED AGENT

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID E. SHELTON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 14th DAY OF July, A.D. 2001
NOTARY PUBLIC
COUNTY OF BEXAR
AMANDA T. HANDY
MY COMMISSION EXPIRES 4/17/2005

STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF July, A.D. 2001

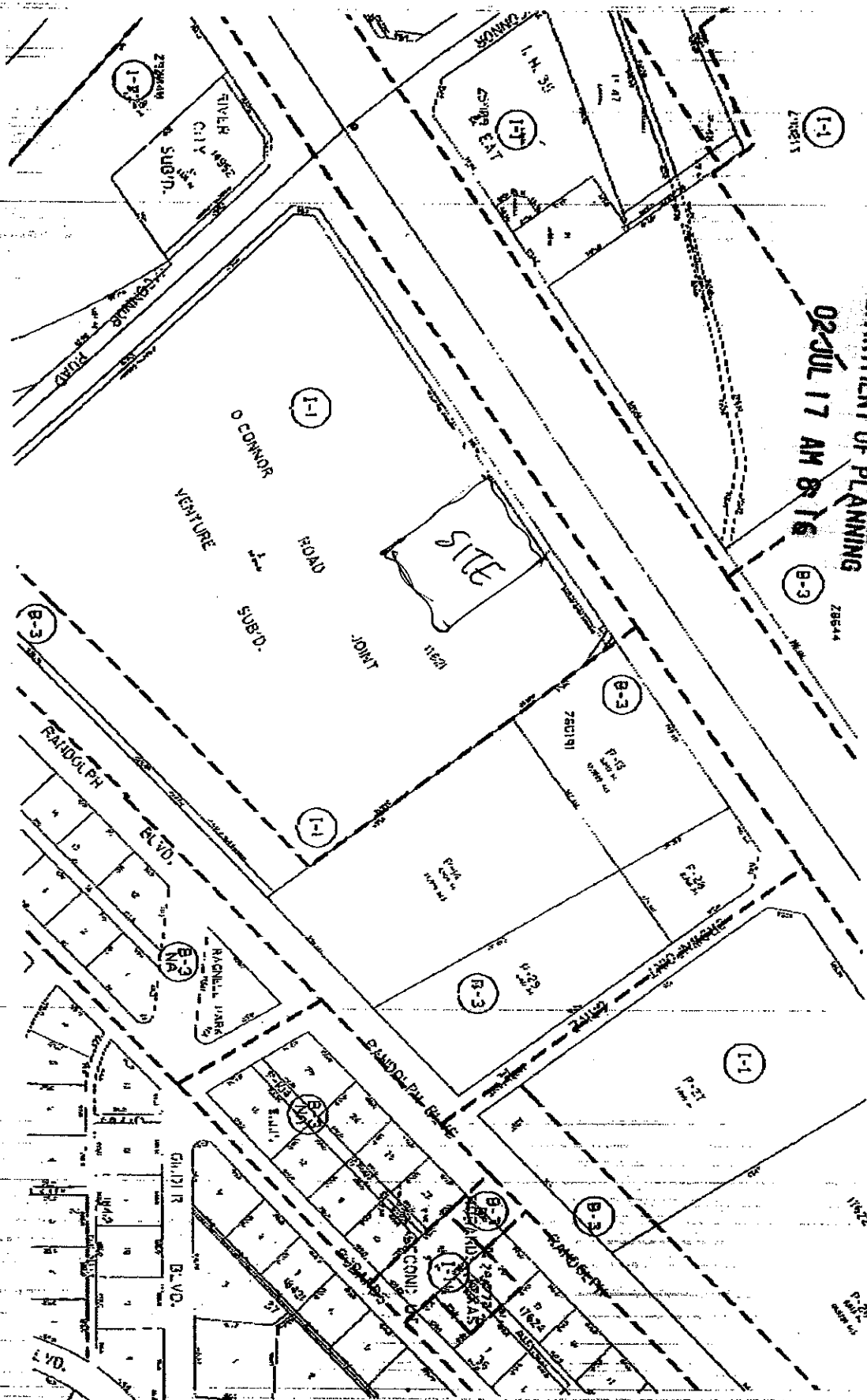
STATE OF TEXAS
COUNTY OF BEXAR

I, David E. Shelton, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE 14th DAY OF July, A.D. 2001, AT 2:00 P.M. AND DULY RECORDED IN THE 14th DAY OF July, A.D. 2001, AT 2:00 P.M. IN THE RECORDS OF SAID COUNTY, IN BOOK VOLUME 9557 ON PAGE 180.
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 14th DAY OF July, A.D. 2001

COUNTY CLERK
BEXAR COUNTY, TEXAS
BY: David E. Shelton DEPUTY
SHEET 2 OF 2

VRP # 02-07-128 JOB NUMBER 5253-00

02-JUL 17 AM 8:16

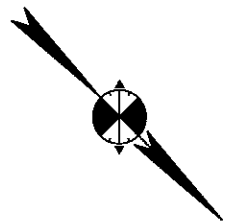
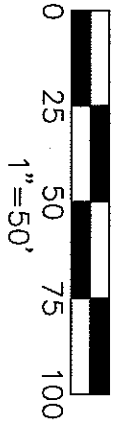


O'CONNOR ROAD

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING

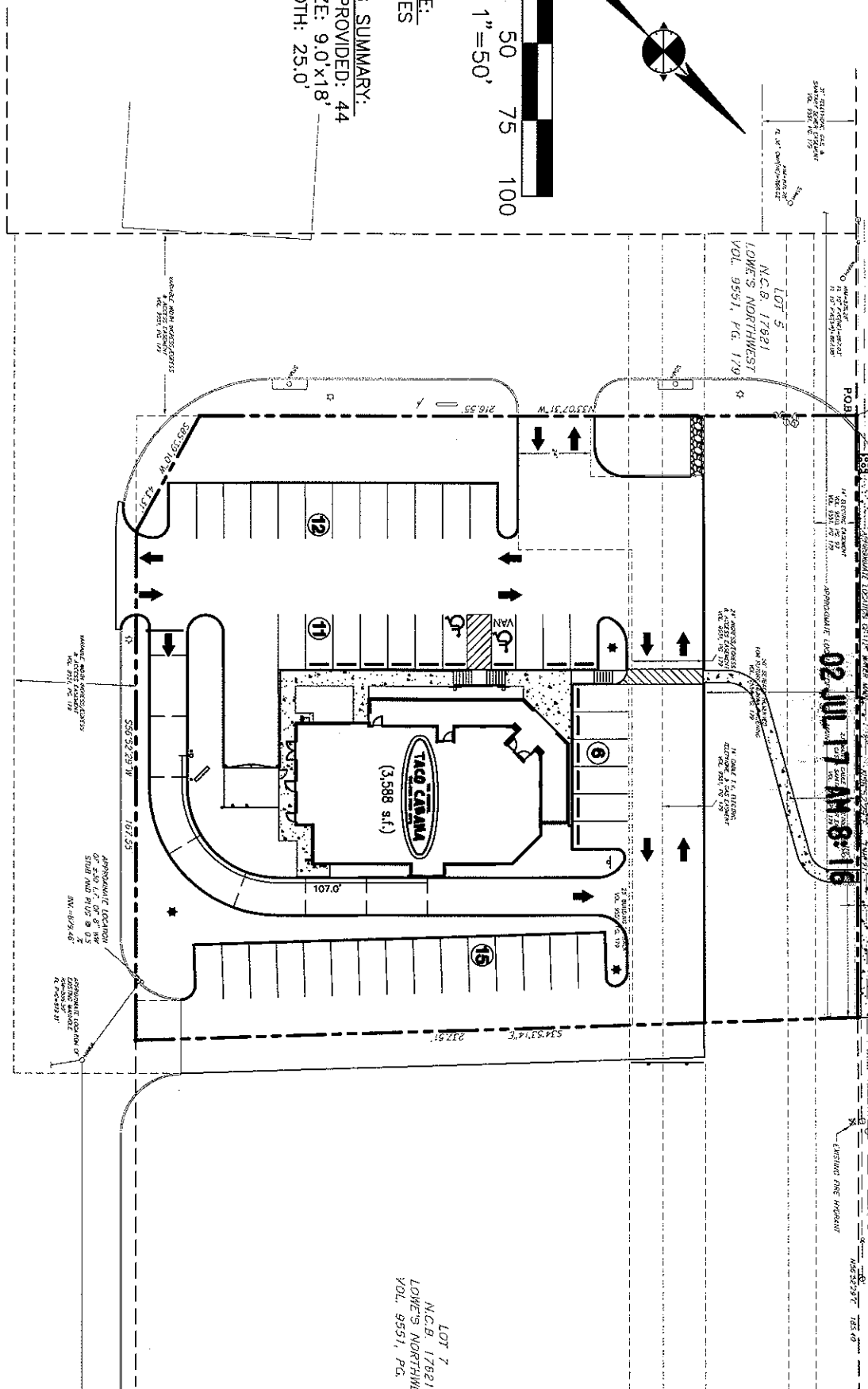
INTERSTATE 35

02 JUL 17 AM 8:16



LOT SIZE:
1.09 ACRES

PARKING SUMMARY:
SPACES PROVIDED: 44
STALL SIZE: 9.0'x18'
AISLE WIDTH: 25.0'



SCHEME "D"

I.H. 35 & O'CONNOR ROAD

SAN ANTONIO, TEXAS



Bury+Partners
Consulting Engineers and Surveyors
San Antonio, Texas Tel 210/525-8090 Fax 210/525-0529
©Copyright 2001 Bury+Partners-SA, Inc.



City of San Antonio
New
Vested Rights Permit
APPLICATION

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JUL 17 AM 8:15

Permit File: # VRP#02-07-128
Assigned by city staff

Date: 6/14/02

1. All applicable information on application must be legibly printed or typed for processing. If application is completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan (Formaly POADP), P.U.D. plan, plat application, approved plat, building permit).

Note: All Applications must have a Site Map showing the Area Boundary (Attached).

3510'Connor Road, Ltd.

1. Owner/ Agent: Mr. David M. Cummings, III
2. Address: 8000 IH 10 West, Suite 600, San Antonio, TX
3. Zip: 78230 Telephone #: 210/366-8092
4. Site location or address IH 35 and O'Connor
5. Council District 10 ETJ Over Edward's Aquifer Recharge () yes (X) no

• **MASTER DEVELOPMENT PLAN (MDP)** (Formally POADP)*

accepted prior to September 1, 1997 are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted after September 1, 1997 are subject to 18 months for the POADP acceptance date.

Name: _____ # _____

Date accepted: _____ Expiration Date: _____ MDP Size: _____ acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

August 17, 2001

• **Approved Plat**

Plat Name: Lowe's Northwest Subdivision Plat # 010292 Acreage: 1.091 Approval

Date: N/A Plat recording Date: 08/14/01 Expiration Date: N/A Vol./Pg. 9551/179-180

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire).

• **Others**

Type of Permit: _____ Date issued: _____ Expiration Date: _____

Acreage: _____

(Note: Two maps of the area must be provided)

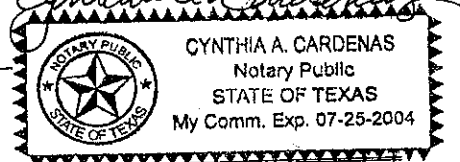
NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

I hereby certify that all information this Application and the attached documents are true and correct and that it is my belief the property owner is entitled to Vested Rights on the listed location.

Print name: David M. Cummings, III Signature: [Signature] Date: 6/24/02

Sworn to and subscribed before me by on this 24th day of June, 2002, to certify which witness by hand and seal of office.

Notary Public, State of Texas, My Commission expires: 7/25/04



City of San Antonio use

☒ **Approved** As of Aug 14, 2001

☐ **Disapproved**

Review By: [Signature] Date: July 17, 2002
Assistant City Attorney

August 17, 2001

E:\109\060\Forms\Vested Rights Permit Application.doc.cac

#02-07-128



Bury+Partners

Bury+Partners-SA, Inc.
Consulting Engineers/Surveyors
10000 San Pedro Avenue/Suite 100
San Antonio, Texas 78216
Tel 210/525-9090
Fax 210/525-0529
www.burypartners.com

Principals

Larry G. Heimer, P.E.
Mark R. Johnson, P.E.
Paul J. Bury, III, P.E.
Gregory S. Stumiska, P.E.
James B. Knight, P.E.

Associates

Steven D. Eklund, P.E.
William O. Schock, P.E.

July 15, 2002

Mr. Michael Herrera
Planning Department
City of San Antonio
114 W. Commerce
P.O. Box 9066
San Antonio, TX 78295

Re: Vested Rights Application
Taco Cabana/IH 35 and O'Connor Road

Dear Mr. Herrera:

Enclosed are the following documents for the above referenced project:

1. Site Plan
2. Recorded Plat (Lot 6)
3. Vested Rights Application
4. Zoning Map from City (1965 I-1 Zoning)
5. Check in the amount of \$160 for fees

This package is being resubmitted to allow a non-conforming restaurant use within this I-1 zoning category. In November of last year Taco Cabana put the lot in question under contract. At that time I-1 zoning allowed a restaurant use.

In order to establish vested rights, we are providing the following list of work completed prior to the February zoning change:

1. A Recorded Plat – The plat files at SAWS indicate impact fees have been paid based on commercial uses.
2. A Site Investigation Report was completed for Taco Cabana (\$2,500)
3. A title/topo survey was completed for Taco Cabana (\$3,800)
4. A site plan was completed for Taco Cabana (\$1,000)

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JUL 17 AM 8:15


Bury+Partners

Mr. Michael Herrera
July 15, 2002
Page 2

Please consider the resubmitted list of work and recorded plat as evidence of vested rights. In discussing this with John Kaplan at the city Attorney's Office, he suggested these items would help this site qualify.

Please let us know if you need additional information or have questions. Your prompt attention will be appreciated as we will be submitting for permit in the next week.

Sincerely yours,



Mark R. Johnson, P.E.
Senior Project Manager

I:\109\060\Letters\071502 Herra.doc.vrc

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JUL 17 AM 8:16

Letter of Transmittal

To: Mr. Michael Herrera

Project No.: 109-60.31

Company: City of San Antonio -- Planning Department

Date: 07/16/02

Address: 114 W. Commerce

cc:

San Antonio, Texas 78295

Re: Taco Cabana/IH 35 and O'Connor Road

☐ Delivery

☐ Overnight

☐ Pick-Up

☒ Courier

☐ Other

Quantity	Description of Item(s)
1	Check # 2588 in the amount of \$160.00
1	Letter
2	Vested Rights Permit Application
2	Scheme "D"
2	Plat

~Notes~

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JUL 17 AM 8:15

Please contact our office at 210/525-9090 if you have any questions. Thank you.

Prepared By: Mark Johnson, P.E.

MJ/KB

#02-07-128

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JUL 17 AM 8:15

Security Enhanced Document. See back for details.

BURY + PARTNERS - SA, INC.
MANAGER'S ACCOUNT
(210)525-9090
10000 SAN PEDRO AVENUE, SUITE 100
SAN ANTONIO, TEXAS 78215

2588


30-9/1140 59

DATE 7/15/02

PAY TO THE ORDER OF City of San Antonio

One Hundred Sixty & no/100 \$ 160.00

DOLLARS

 Frost National Bank
Austin, Texas 78767
www.frostbank.com

FOR 50109-60.89 Vested Rights Apl.

James O. Ham

MP

⑈002588⑈ ⑆14000093⑆ 591403687⑈

Small text at bottom: GUARDIAN © SAFETY © Christie American Bank